

Attorneys for Defendant  
RICHARD WOLFE

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

-----)	
<b>GOOGLE INC.,</b>	:
<b>a Delaware corporation,</b>	:
	:
<b>Plaintiff/Counter-Defendant</b>	:
	:
<b>v.</b>	:
	:
<b>RICHARD WOLFE d/b/a</b>	:
<b>FROOGLES.COM,</b>	:
<b>an individual,</b>	:
	:
<b>Defendant/Counterclaimant</b>	:
-----)	

**CV-05-1779 (TCP) (ETB)**

**DEFENDANT/COUNTERCLAIMANT, MR. WOLFE'S NOTICE  
OF MOTION TO COMPEL DISCOVERY AND  
SEEKING ATTORNEYS' FEES PURSUANT TO FED. R. CIV. P. 37**

PLEASE TAKE NOTICE THAT Defendant/Counterclaimant Richard Wolfe (Mr. “Wolfe”) requests that the Court enter an Order granting Mr. Wolfe’s motion, pursuant to Fed. R. Civ. P. 37(a)(2) and Local Civil Rule 6.1, and ordering discovery from Plaintiff/Counter-Defendant, Google Inc. (“Google”), granting attorneys’ fees and extending discovery as required in order for Google to comply with the Court’s Order. As grounds for this motion, set forth more fully in the accompanying memorandum, Mr.

Wolfe states that Google has refused to produce Jonathan Rosenberg for deposition pursuant to Fed. R. Civ. P. 30(b)(1) even after the guidance provided by this Court, suggesting that Mr. Rosenberg be made available, refused to produce documents responsive to Third Set of Requests for Production of Documents and Things (e.g. Requests 1,2,3,4,5,7,9,10,11,12,13) and failed to adequately respond to Mr. Wolfe's Third Set of Interrogatories to Google (e.g. Interrogatory No. 1,2,3,6,7,8,9,10,11) and Mr. Wolfe's Second Requests for Admissions (49,50,51) and unreasonably objected to several of the topics noticed in Mr. Wolfe's First Amended Notice of Deposition pursuant to Fed. R. Civ. P. 30(b)(6).

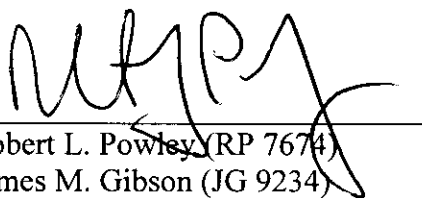
PLEASE TAKE FURTHER NOTICE that Mr. Wolfe intends to rely upon his Memorandum of Law in Support of its Motion to Compel Discovery, which is attached hereto and submitted herewith.

PLEASE TAKE FURTHER NOTICE that Mr. Wolfe requests oral argument.

Respectfully submitted,

Dated: September 27, 2006

By:

A handwritten signature in black ink, appearing to be 'RP' with a large flourish, written over a horizontal line.

Robert L. Powley (RP 7674)  
James M. Gibson (JG 9234)  
Powley & Gibson, P.C.  
417 Canal Street, 4<sup>th</sup> Floor  
New York, New York 10013  
Telephone: (212) 226-5054  
Attorneys for Defendant,  
RICHARD WOLFE